

REMARKS/ARGUMENTS

Claims 1-17, 20-21, 23-24 and 37-38 are canceled.

Support for each amended claim is found at the originally filed claims and throughout the specification.

No new matter is believed to have been added.

The enablement rejection of Claims 18-38 is obviated by the amendment of Claim 18.

Applicants respectfully traverse the obviousness rejection of Claims 18-38 as being unpatentable in view of Levin and Fuisz.

At the outset, Applicants note that the Office appears, at page 4 of the Official Action, to have improperly used Ahmed without explicitly citing Ahmed as one of the rejection references.

For reasons previously described in the amendment of August 8, 2007, Ahmed is not properly applied as a rejection reference, because the lipid of Ahmed contains, at a terminal position in the glycerol ester backbone, a phosphate ester group linked to a trimethyl ammonium group via an ethylene spacer. The triglyceride of the composition utilized by present method Claim 18, because of the method of preparation of the composition, does not contain a trimethyl ammonium group.

Accordingly, because the obviousness rejection relies on Ahmed, and Ahmed is not a proper rejection reference, the obviousness rejection should be withdrawn on this basis alone.

However, even if the Office maintains that Ahmed was not used in making the obviousness rejection, the obviousness rejection is still not proper, because the references, either in combination or singly, fail to describe features of present Claim 18, that an orally administered composition comprising a diacylglycerol ether, a triglyceride, and squalene, wherein the composition is prepared from shark liver oil, is useful for reducing at least one skin damage.

Applicants note that a reference is available for all that it teaches, but cannot be available for more than it teaches. Applicants respectfully submit the Office has relied on Levin for more than Levin teaches.

The Office has argued that Levin teaches shark liver oil as an anti-wrinkle, anti-cancer, anti-inflammatory agent. Applicants submit this is incorrect.

The Abstract of Levin describes LYCD in combination with known topically active useful medicinal agents such as anti-wrinkling, antibiotic, anticancer, antifungal, anti-inflammatory...antiviral, wound healing, and hair-growing agents.

Column 2, Example 1, of Levin, describes, in part, that “compositions of the invention may be produced by ...two general methods.” “In the first method, ...an ointment composition may be formulated by mixing LYCD with conventional ointment-forming ingredients. Once such ointment composition[has the ingredients in the table at the top of column 3].” Applicants note that shark liver oil is included in the table at the top of column 3 as a conventional ointment-forming ingredient. Accordingly, Levin describes shark liver oil as a conventional ointment-forming ingredient. Levin does not describe or suggest that shark liver oil is a useful medicinal agent, an anti-wrinkle, an anti-cancer, or an anti-inflammatory agent, as the Office has suggested.

Thus, Levin, by itself or in combination with Fuisz, does not describe or suggest all of the limitations of the present claims.

Further, Fuisz fails to disclose any specific example of a composition containing shark liver oil, and is silent as to any efficacy of shark liver oil.

For these reasons, Applicants respectfully request withdrawal of the obviousness rejection.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.


Respectfully submitted,

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